

Docket No.: 038586-0330002

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Murray, et al.  
Appl. No. : 10/587,313  
Int'l Filing Date : January 28, 2005  
Title : Bone Morphogenic Protein  
Binding Peptide

Grp./A.U. : Not Yet Assigned  
Examiner : Not Yet Assigned  
Customer No. : 1923

Confirmation No.: 4686

**CERTIFICATE OF MAILING (37 CFR. § 1.8(a))**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First-Class Mail under 37 CFR 1.8(a) in an envelope addressed to Mail Stop Sequence Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on **April 24, 2008.**

  
Stephen T. Scheffler, Reg. No. 45,080

**RESPONSE TO NOTIFICATION OF MISSING  
REQUIREMENTS UNDER 35 U.S.C. 371**

Mail Stop Sequence Listing  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements of Application dated **October 29, 2007**, submitted herewith are the following for filing in the above-referenced application:

1. Petition for Extension of Time (1 p. – in dup.);
2. Declaration and Power of Attorney (which is in compliance with 37 CFR 1.63);
3. Amendment in Response to Notice Under 37 C.F.R. §§1.821-825;
4. Statement To Support Filing and Submission in Accordance with 37 C.F.R. §§1.821-825 with paper copy and computer readable copy of Sequencing Listing;
5. Replacement Drawing (Figs. 3) and
6. Late Filing Fee Surcharge of \$130.00.

10/587,313

Please charge Deposit Account No. 13-0206 in the amount of **\$1770.00**. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 13-0206 and please credit any excess fees to such deposit account.

It is requested that the official filing receipt now be issued.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Stephen T. Scheffer  
Registration No. 45,080

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**Date: April 24, 2008**

**Please recognize our Customer No. 1923  
as our correspondence address.**

CHI99 4973200-1.038586.0330



# UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/587,313	Samuel S. Murray	38586-330002
1923 MCDERMOTT, WILL & EMERY LLP 227 WEST MONROE STREET SUITE 4400 CHICAGO, IL 60606-5096		INTERNATIONAL APPLICATION NO. PCT/US05/02722
		I.A. FILING DATE 01/28/2005
		PRIORITY DATE 01/28/2004

**CONFIRMATION NO. 4686**  
**371 FORMALITIES LETTER**



Date Mailed: 10/29/2007

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Priority Document
- Copy of the International Application filed on 07/26/2006
- Copy of the International Search Report filed on 07/26/2006
- Copy of IPE Report filed on 10/27/2007
- Preliminary Amendments filed on 07/26/2006
- Information Disclosure Statements filed on 07/26/2006
- Oath or Declaration filed on 07/26/2006
- U.S. Basic National Fees filed on 07/26/2006
- Priority Documents filed on 07/26/2006
- Specification filed on 07/26/2006
- Claims filed on 07/26/2006
- Abstracts filed on 07/26/2006
- Drawings filed on 07/26/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter,

as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

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